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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 04-0354-JSW
)	
Plaintiff,)	PROPOSED STIPULATED ORDER
)	CONTINUING HEARING ON SUPERVISED
v.)	RELEASE VIOLATION
)	
PHILLIP HILL,)	Current Hearing Date: April 16, 2009
)	Time: 2:30 p.m.
Defendant.)	Judge: Hon. Jeffery S. White
)	

1 The above-captioned case is currently scheduled for a hearing on the
2 defendant's supervised release violation on Thursday, April 16, 2009. Counsel for the
3 parties are currently engaged in negotiations regarding a possible resolution of the
4 allegations, but the resolution of the alleged violation before the Court is complicated by
5 the defendant's pending charges in the Superior Court of Contra Costa County.
6 Accordingly, for the reasons discussed below, the parties jointly request that the hearing
7 scheduled for April 16, 2009 be converted to a status conference, and that the parties be
8 permitted to schedule a hearing on this matter, if needed, at that time.

9 First, the parties request a continuance of the hearing in this case so that
10 they may have a better sense of the state-court proceedings against the defendant. The
11 defendant will not make his initial appearance in state court until April 7, 2009, only one
12 week prior to the currently-scheduled hearing. After April 7, the defendant will be in a
13 better position to discuss both his state and federal cases with his counsel in both matters.
14 (The defendant has not yet retained or been appointed counsel in the state-court matter.)
15 After the defendant and his counsel have been able to assess the state-court issues, they
16 will be in a better position to resolve the allegations before the Court.

17 Second, counsel for the government, Matthew McCarthy, was not present at
18 the setting of this hearing, because he was out of the state at that time. He is set to begin
19 a jury trial before Judge Illston on Monday, April 20, and is currently preparing for that
20 trial. It would prove extremely difficult to prepare for an evidentiary hearing in this
21 matter simultaneously with the trial in that case.

22 Third, the parties expect that a resolution of the state-court case is likely to
23 drive the resolution of the allegations before the Court. Depending on the resolution of
24 those charges, it is likely that no evidentiary hearing will be needed in this matter.
25 Accordingly, it would conserve both government and judicial resources to continue the
26 hearing in this matter until it is determined that such a hearing is actually necessary.

27 Therefore, the parties jointly request that the hearing currently scheduled
28 for //

1 April 16, 2009 be converted to a status conference, and that the parties be permitted to
2 schedule an evidentiary hearing, if needed, at that time.

3
4 IT IS SO STIPULATED.

5
6 4-2-09

7 DATED

/s/

8 JOSEPH P. RUSSONIELLO
United States Attorney
Northern District of California
9 MATTHEW L. McCARTHY
Assistant United States Attorney

10 4-2-09

11 DATED

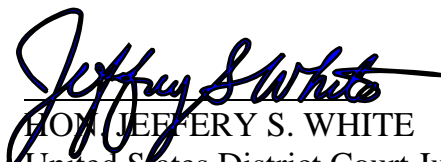
/s/

12 JODI LINKER
Assistant Federal Public Defender
Attorney for Phillip Hill

13
14 For good cause shown, the hearing scheduled for April 16, 2009 will be
15 converted to a status conference.

16
17 IT IS SO ORDERED.

18 April 2, 2009
19 DATED

20 
HON. JEFFERY S. WHITE
United States District Court Judge